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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,022	02/26/2002	Jan Thomas Miksovsky	MSFT118568	4321

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/083,022

Applicant(s)

MIKSOVSKY, JAN THOMAS

Examiner

Joseph P. Hirl

Art Unit

2129

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on March 21, 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.



Continuation of 10. Other (including any explanation in support of the above items):

- a. Regarding order and content, the Claims appendix is referred to as Appendix VIII on page 3 and there isn't an Appendix VIII.
- b. Regarding Summary of claimed subject matter, 37 CFR 41.37 requires a concise explanation of the subject matter defined in each of the independent claims involved in the appeal. Such concise statements have not been provided.
- c. Appellant has failed to provide a concise statement for each ground of rejection. Appellant is reminded that it is the claims and only the claims that define the metes and bounds of the invention and it has been on the basis of the submitted claims that the examiner established rejection using the cited sections of Bertrand. A generalized statement regarding Bertrand does not satisfy the concise requirements of 37 CFR 41.37(vi) and the related sections that follow.
- d. Since the appellant has not provided concise statements for each ground of rejection, it follows that the appellant has not provided the contentions for review with respect to each ground of rejection required in 37 CFR 41.37(vii) related to 37 CFR 41.37(vi).